REMARKS

In the office action claims 1 - 6 and 10 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 4,363016 (to Unger). Claims 7 - 9 were allowed.

The invention is directed to a circuit breaker switch that includes a first conductive contact portion that is urged against a second conductive contact portion by an actuator element, and a dielectric separator that is urged between the first and second conductive contact portions in the event of excess current passing between the contact portions.

The Unger reference appears to disclose a circuit breaker that includes a first contact portion (21) and a second contact portion (20) that are permitted to contact each other when an actuator element (18 and 80) is moved such that an opening (55) is positioned between the two contact portions. The insulator body portion (80) must be part of the actuator element because the slide member (18) alone does not cause the two portions (21) and (20) to contact one another. It is the movement of the insulator body (80), and in particular, the movement of the opening (55) in the insulator body (80), that causes the two portions (21) and (20) to contact one another. The insulator body portion (80) cannot then also be the dielectric separator element as claimed in claim 1. In other words, in order to read claim 1 on the Unger reference, the insulator body portion (80) must comprise part of the actuator element and the dielectric separator element. By separately reciting these terms in claim 1, applicants intend that such terms be separately construed.

As claimed in claim 1, applicant's circuit breaker switch requires, *inter alia*, a rocker, an actuator element that is coupled to the rocker and causes first and second electrically conductive contact portions to contact one another, and a dielectric separator element that is urged between first and second contact portions in the event of excess current being passed between the first and second contact portions. The subject matter of claim 1, therefore, is not disclosed by the Unger

reference.

Each of dependent claims 2 - 6 further limit the subject matter of claim 1 and are therefore also in condition for allowance.

Claim 10 is directed to a method of using a circuit breaker switch that includes, *inter alia*, the steps of positioning a rocker to a first position causing a first electrically conductive contact portion to move in a first direction into contact with a second electrically conductive contact portion, overcharging the switch causing the contact portion to move away from the first contact portion, providing a dielectric insulator to be positioned between the first and second contact portions, and providing a visual indication that the circuit breaker switch has been tripped. Claim 10 specifically states that the first contact portion moves toward the second contact portion during actuation, and that the second contact portion moves away from the first contact portion during overcharging. The Unger reference does not disclose this. In Unger, the first contact portion (21) moves toward the second contact portion (20) during actuation, and also moves away from the second contact portion during overcharging. Claim 10, therefore, is also in condition for allowance.

New dependent claims 11 - 15 further limit the subject matter of base claim 1 and are therefore submitted to be in condition for allowance

Each of claims 1 - 15, therefore, is in condition for allowance. Favorable action consistent with the above is respectfully requested.

Respectfully submitted,

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